



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,042	12/27/2001	Maris Vistins	15999	1822

23556 7590 12/01/2004

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

LEE, EDMUND H

ART UNIT PAPER NUMBER

1732

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,042

Applicant(s)

VISTINS, MARIS

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/21/04 has been entered.
2. Claims 21-24 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for PVC as an outermost layer and PU as inner layer, does not reasonably provide enablement for PVC as innermost layer and then PU as an outer layer. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The instant specification only teaches an article having an outer layer of PVC and inner layer of PU.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 9, 15, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Horwege et al (USPN 5881386). Horwege et al teach the claimed article as evidenced by col 2, lns 23-40; col 3, lns 40-46; col 7, lns 66; figs 1-2b.

Art Unit: 1732

5. Claims 9, 12, 15, and 18 remain rejected under 35 U.S.C. 102(b) as being anticipated by Richardson et al (USPN 5224221). Richardson et al teach the claimed article as evident by col 3, lns 9-12 and 42-52; col 4, lns 9-12; and figs 1-4.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al (USPN 5224221). The above teachings of Richardson et al are incorporated hereinafter. Richardson et al do not teach a third layer comprising either a clear or translucent polymeric film; a third film layer that is in contrast to the second layer; and a fourth layer formed on top of the third layer wherein the fourth layer is either clear or translucent. It should be noted that Richardson et al teach a glove having more than two coatings; and using contrasting colors for each coating. In regard to a third layer comprising either a clear or translucent polymeric film, such is well-known in the multi-layered art in order to provide protection. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the third layer of Richardson et al clear or translucent in order to provide protection to the glove of Richardson et al. In regard to a third film layer that is in contrast to the second layer, such is well-known in the glove art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a third layer that is in contrast with the second layer in order to provide better

Art Unit: 1732

identification or notice to a wearer. In regard to a fourth layer formed on top of the third layer wherein the fourth layer is either clear or translucent, such is well-known in the multi-layered art for improved protection and aesthetic appeal. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a clear or translucent fourth layer on top of the third layer of Richardson et al in order to improve protection and aesthetic appeal.

8. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horwege et al (USPN 5881386). The above teachings of Horwege et al are incorporated hereinafter. Horwege et al do not teach a third clear or translucent layer over the second layer; a colored second layer; and a second layer that coats less of the article than the first layer. In regard to a third clear or translucent layer over the second layer, such is well-known in the multi-layered art for improved protection and aesthetic appeal. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a clear or translucent third layer in order to improve protection and aesthetic appeal. In regard to a colored second layer, such is well-known in the glove art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a colored second layer in order to provide better identification or notice to a wearer. In regard to a second layer that coats less of the article than the first layer, such is well-known in the glove art in order to reduce material costs by coating only those portions that need coatings. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made

Art Unit: 1732

to have a second layer that is coated on less of the article than the first layer in order to reduce material costs.

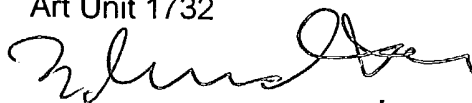
9. Applicant's arguments with respect to claims 9,12 and 15-24 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732



11/29/04

EHL